

the national interest and yet not fall within the purview of the uses contemplated by Art. I, Sec. 8, Cl. 17 of the Constitution. In that case the Court considered jointly and affirmed two cases coming up on appeal from the Supreme Court of Washington,²⁸ both of which involved a conflict of jurisdiction over lands within the Columbia Basin Project. The lands were owned by the United States, having been acquired by declaration of taking for use in the construction of a dam "for the regulation and control of the flow of the Columbia River, for a storage reservoir from the dam site to the Canadian boundary, for the improvement of navigation, for flood control, for hydro-electric power development at the Grand Coulee Dam site, for the increase of power development down stream, for the reclamation of arid and semi-arid lands, for the domestic use of water and for the relief of unemployment." The Washington statute under consideration had consented to the acquisition by the United States of lands within the State "for sites of locks, dams, piers, breakwaters, keepers' dwellings, and other necessary structures and purposes required in the improvement of the rivers and harbors of this State, or bordering thereon, or for sites for forts, magazines, arsenals, docks, navy yards, naval stations or other needful buildings." It was urged in one of the cases that the State was without taxing authority within the project area because the United States had acquired exclusive jurisdiction thereover pursuant to the consent-to-purchase statute above referred to. In rejecting this contention, the State Supreme Court said, "Irrigation, flood control and power development (except insofar as the latter two are intended to promote navigation or else some war measure or the national defense), while they may be of national interest and serve a public purpose, are not functions enjoined upon the Federal Government by the Constitution, nor are they delegated to the United States by the Constitution, nor is it necessary that they be committed, for their operation, to the exclusive jurisdiction of the United States Government. Legislative power, with reference to such things, is reserved in the State."²⁹

It should be kept in mind that the foregoing discussion of the limitation in the use by the United States of lands over which it asserts exclusive jurisdiction is applicable only to lands purchased with the consent of the State granted in terms of Art. I, Sec. 8, Cl. 17 of the Constitution. The limitation would not necessarily apply in cases where jurisdiction is expressly ceded, because a State may cede exclusive jurisdiction for any use of the Government without regard to whether such use is within the purview of those enumerated in Clause 17. In the *Dravo* case, *supra*,

²⁸ *Silas Mason Co. v. State Tax Commission*, 188 Wash. 98, 61 P. (2) 1269; *Ryan v. State*, 188 Wash. 115, 61 P. (2) 1276.

²⁹ *Ryan v. State*, 61 P. (2) 1276, 1282.